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**REMARKS****Summary of the Claims**

Claims 1-23, 28, 39, and 42 are canceled. Claims 24, 29, 34, 36, and 40 are currently amended. Claims 24-27, 29-38, 40, and 41 are currently pending.

**Interview Summary**

Applicant would like to thank the Examiner for the telephone interview conducted on January 30, 2007 with Tom Zlogar.

During the interview, claims 24 - 42 and other claims generally were discussed and Fischell et al. and Esteller et al. were considered.

While no agreement was reached in the Examiner interview, Applicant believes that the pending claims are in condition for allowance.

**Claim Rejections Under 35 U.S.C. § 102 / § 103**

Claims 24-27, 34-36 and 42 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fischell et al. (US 6,016,449).

While Applicant does not acquiesce or agree with the Examiner's rejection, to expedite prosecution of the application, Applicant has amended independent claim 24 to incorporate the limitations of dependent claim 28, which has been canceled. This amendment does not require a new search as the subject matter of claim 28 has already been searched. Applicant herein reserves the right to pursue the subject matter of this claim in a continuation or continuation-in-part application. The Section 102 rejection to independent claim 24 is now moot based on the amendment.

The subject matter of original dependent claim 28 (now incorporated into amended independent claim 24) stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischell et al. in view of Esteller et al. Esteller et al. has the earliest priority date of December 12, 2000. The present application claims priority to an application filed before December 12, 2000. As such, Esteller et al. is not prior art and the Section 103 rejection is improper.

The present application is a continuation-in-part of U.S. Patent Application No. 10/718,248, filed November 20, 2003 (published as Publication No. 2005/0021103), which is

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further a continuation-in-part of U.S. Patent Application No. 10/008,576 (issued as U.S. Patent No. 6,819,956), which is a continuation of U.S. Patent Application No. 09/340,326, filed June 25, 1999 (issued as U.S. Patent No. 6,366,813), which further claims priority to U.S. Provisional Application No. 60/095,413, filed August 5, 1998.

The subject matter in dependent claim 28 (and now in amended independent claim 24) finds support in at least U.S. Patent Application No. 09/340,326, filed June 25, 1999 (issued as U.S. Patent No. 6,366,813). Support for the subject matter of original claim 28 can be found at least in column 17, lines 32-49 of the issued '813 patent. As the '813 patent was filed before the earliest priority date to which Esteller et al. is entitled, Esteller et al. is not prior art to at least claim 28.

For at least the reasons set forth above, amended independent claim 24 is allowable.

Claims 25-27 depend, either directly or indirectly, from currently amended claim 24 and are therefore not anticipated by Fischell et al. for at least the same reasons set forth above. Applicant respectfully requests the rejections to claims 25-27 be withdrawn.

While Applicant does not acquiesce or agree with the Examiner's rejection, to expedite prosecution of the application, Applicant has amended independent claim 34 to incorporate the limitations of dependent claim 39, which has been canceled. This amendment does not require a new search as the subject matter of claim 39 has already been searched. Applicant herein reserves the right to pursue the subject matter of this claim in a continuation or continuation-in-part application. The Section 102 rejection to independent claim 34 is now moot based on the amendment.

The subject matter of original dependent claim 39 (now incorporated into amended independent claim 34) stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischell et al. in view of Esteller et al. As the present application claims priority to an application filed before December 12, 2000, Esteller et al. is not prior art and the Section 103 rejection is improper.

The subject matter in dependent claim 39 (and now in amended independent claim 34) finds support in at least U.S. Patent Application No. 09/340,326, filed June 25, 1999 (issued as U.S. Patent No. 6,366,813). Support for the subject matter of original claim 39 can be found at

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least in column 25, lines 12-64 of the issued '813 patent. As the '813 patent was filed before the earliest priority date to which Esteller et al. is entitled, Esteller et al. is not prior art to at least claim 39.

For at least the reasons set forth above, amended independent claim 34 is allowable.

Claims 35 and 36 depend from currently amended independent claim 34 and are patentable over Fischell et al. for at least the same reasons as set forth above. Applicant respectfully requests the rejections to claims 35 and 36 be withdrawn. Claim 36 has been amended merely to correct a typographical error.

While Applicant does not acquiesce or agree with the Examiner's rejection, to expedite prosecution of the application, Applicant has canceled claim 42. Applicant herein reserves the right to pursue the subject matter of this claim in a continuation or continuation-in-part application. The rejection to claim 42 is now moot.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4, 5, 7, 8-12, 15, 16, 20-23, 28-33, and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischell et al. (US 6,016,449) in view of Esteller et al. (US 6,594,524).

While Applicant does not acquiesce or agree with the Examiner's rejection, to expedite prosecution of the application, Applicant has canceled claims 1, 2, 4, 5, 7-12, 15, 16, and 20-23. Applicant herein reserves the right to pursue the subject matter of these claims in a continuation or continuation-in-part application.

The rejection to claim 28, which has been canceled, is discussed above regarding currently amended claim 24. The rejection to claim 28 is now moot.

While Applicant does not acquiesce or agree with the Examiner's rejection, to expedite prosecution of the application, Applicant has rewritten currently amended claim 29 in independent form incorporating the limitations of original base claim 24. This amendment does not require a new search as the subject matter of claim 29 has already been searched.

As the present application claims priority to an application filed before December 12, 2000, Esteller et al. is not prior art and the Section 103 rejection to claim 29 is improper.

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The subject matter in dependent claim 29 (now in independent form) finds support in at least U.S. Patent Application No. 09/340,326, filed June 25, 1999 (issued as U.S. Patent No. 6,366,813). Support for the subject matter of claim 29 can be found at least in column 16, lines 10-27 of the issued '813 patent. As the '813 patent was filed before the earliest priority date to which Esteller et al. is entitled, Esteller et al. is not prior art to at least claim 29.

For at least the reasons set forth above, currently amended independent claim 29 is allowable.

Claims 30-33 depend from currently amended claim 24 and are allowable for at least the same reasons set forth above.

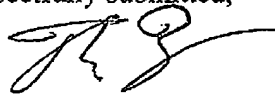
Claims 37, 38, 40, and 41 now depend from currently amended claim 34 and are allowable for at least the same reasons set forth above.

The rejection to claim 39, which has been canceled, is discussed above regarding currently amended claim 34, and is therefore now moot.

### CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 212-1700.

Respectfully submitted,



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